residue. The will provided that after all the legacies before given were paid the residue should be divided into ten equal shares to named persons, provided that if such residue should exceed £10,000, such excess should be given to the testator's nephews and nieces in equal shares. The residue exceeded £10,000, and one of the shares lapsed. It was held that the final residue was not thereby enlarged but was in terms confined to the excess over £10,000. It does not appear that the persons to whom the residue, and those to whom the excess over £10,000, was given, were the same.

Craighead v. *Given* (1823), 10 Serg. & R. (Pa.) 351, was also cited in the Illinois case. It does not go quite as far as the English case, but is more analogous to the case in hand. This also was a case of gift of residue of residue. The provision was that the residue should be converted into money and out of it legacies of different amounts given to named children and grandchildren, provided that if the residue was not sufficient to pay such amounts, such legacies should abate in proportion, but if such residue should be more than enough to pay the amounts named the rest should be divided equally among the persons to whom the residue was given. One of the daughters of the testator died before him, and it was held that the others were not thereby entitled to augmented shares, but that her share must be distributed as intestate property.

If the Illinois decision is correct it seems strange that such decisions are not more common, for nothing is more common than to provide for the distribution of the residue among persons who are given specific or general legacies in the earlier parts of the will. Yet no cases exactly in point were found by the court or attorneys in the case. A somewhat hasty search induced by this decision has also resulted in failure to find any.

"VOLUNTARY CONFESSIONS."—It goes without saying that confessions of an accused person in order to be admissible in evidence must be voluntary. That officials sometimes have extraordinary notions as to what constitutes a "voluntary confession" is illustrated in a late Mississippi case, *Sweat-Box Case*, 80 Miss. 592, 32 South. Rep 9, 92 Am. St. Rep. 607. This case is somewhat out of the usual order, not only in its facts, but also in the statement of them and the accompanying comments by the Supreme Court. It seems that the chief of police had testified in the court below that the accused had made to him a "free and voluntary statement," but under the following circumstances as given in the opinion of the reviewing court: "There was what was known as a 'sweat-box' in the place of confinement. This was an apartment about five or six feet one way and about eight feet another. It was kept entirely dark. For fear that some stray ray of light or breath of air might enter without special invitation, the small cracks were carefully blanketed. The prisoner was allowed no communication whatever with human beings. Occasionally the officer who had put him there would appear and interrogate him about the crime charged against him. To the credit of our advanced civilization and humanity, it must be said that neither the thumb screw nor the wooden boot were used to extort a confession. The efficacy of the sweat-box was the sole reliance. This, with the hot weather of summer, and the fact that the prisoner was not provided with sole leather lungs, finally, after 'several days' of obstinate denial, accomplished the purpose of eliciting a 'free and voluntary' con-

fession." After referring to the fact that the officer had testified that the prisoner was not threatened or coerced and that no reward was held out to him, the opinion continues: "Everything was 'free and voluntary.' He was perfectly honest and frank in his testimony, this officer was. He was intelligent and well up in the law as applied to such cases, and nothing would have tempted him, we assume, to violate any technical requirement of a valid confession—no threats, no hope of reward, no assurance that it would be better for the prisoner to confess. He did tell him, however, 'that it would be best for him to do what was right,' and that it would be 'better for him to tell the truth.' In fact, this was the general custom in the moral treatment of these sweat-box patients. . . . . This sweat-box seems to be a permanent institution, invented and used to gently persuade all accused persons to voluntarily tell the truth. Whenever they do tell the truth—that is, confess guilt of the crime—they are let out of the sweat-box. Speaking of this apartment, and the habit as to prisoners generally, this officer says: 'We put them in there (the sweat-box) when they don't tell me what I think they ought to.' This is refreshing. . . . . Defendant, unless demented, understood that the statement wanted was confession, and that this only meant release from this 'black hole of Calcutta.'" Although the court may have failed to observe in the language of its opinion in this case the dignity and candor of statement that usually characterize judicial utterance, and may for this reason have subjected itself to criticism, the conclusion reached that such proceedings as the record of the case disclosed "cannot be too strongly denounced" as a violation of fundamental principles of law, reason, humanity and personal right, must commend itself as sound and wholesome doctrine.

THE COMPETENCY OF THE CONDUCT OF BLOODHOUNDS AS EVIDENCE IN CRIMINAL CASES.—The Supreme Court of Nebraska has very recently handed down an interesting opinion, written by Chief Justice Sullivan, upon the competency of the conduct of bloodhounds as evidence in criminal cases. *Brott* v. *State* (1903), — Neb. —, 97 N. W. 593. The defendant was charged with burglary and convicted. It was shown in evidence on the trial that bloodhounds had been taken to the place where the burglary was committed and had appeared to trail the burglar to the defendant's house. Defendant admitted the crime charged in the indictment, but the state brought to the attention of the jury other crimes, and used the evidence of the conduct of the dogs to prove the latter as well as the crime charged. The court held that while the conduct of the dogs was perhaps properly received in connection with defendant's admission as tending to prove that crime, it was not competent as to those crimes which defendant had not admitted. The attorney-general contended that the extraordinary power of following a trail which the bloodhound is universally recognized as possessing, is so well established that the court should act upon it without proof. But the court said: "It is a commonly accepted notion that he will start from the place where a crime has been committed, follow for miles the track upon which he has been set, find the culprit, confront him, and, *mirabile dictu*, by accusing bay and mien declare, 'Thou art the man.' This strange misbelief is with some people apparently incorrigible. It is a delusion which abundant experience has failed to dissipate. It lives on from generation to generation. It has still the